THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.182 of 2007

18.1.2007

Between:

D.Veeraiah, S/o.Kotaiah
And another

… Petitioners

AND

The Commissioner, State Election Commission, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.182 of 2007

ORDER:

The elections to Kondamanjulur Gram Panchayat were held on 29.7.2006. The first petitioner unsuccessfully contested the election as Sarpanch and lost the election by 86 votes to Guntapalli Narasimha Rao. He alleges that one Boppudi Pratap, a teacher in Mandal Parishad Elementary School, Gollapalli village of Martur Mandal in Prakasam District, acted as polling agent and counting agent for Guntapalli Narasimha Rao. The petitioners herein along with ten (10) others of the same village made a representation to the first respondent requesting necessary action against the Government teacher, who acted as polling agent and counting agent to the elected candidate, in vain. Therefore, the present writ petition is filed.

Learned Counsel for the petitioners invited the attention of this Court to Section 223 of A.P. Panchayat Raj Act, 1994 (the Act, for brevity), which is self-explanatory and reads as under.

> **223. Penalty for Government servants etc., for acting as election agent, polling agent, or counting agent**:- If any person in the service of the State or Central Government or a local authority or a Corporation owned or controlled by the State or Central Government acts as an election agent or a polling agent or counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

If what the petitioners allege is true, the Government teacher, who acted as polling/counting agent to the candidate elected as sarpanch, committed a culpable illegality and, therefore, it is incumbent on the part of the respondents 1 and 2 to take necessary action as per law. Therefore, the writ petition is disposed of, observing

that the respondents 1 and 2 should immediately look into the complaint made by the petitioners and other villagers and take necessary action keeping in view Section 223 of the Act. This exercise may be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO,J**)

January 18, 2007.
YS